

From: John C.
To: Microsoft ATR
Date: 12/9/01 6:45pm
Subject: Microsoft Settlement

To whom it may concern,

I have a number of concerns about the proposed settlement in the Microsoft settlement. One of the first of these is the following:

Section III(J)(2) My understanding of this is that it says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...

According to this it allows Microsoft to define what a business is. For example it may set criteria that a business has to make \$100 million a year to meet the criteria. A small medical and research clinic which is not-for-profit may not meet their "criteria". The apache web server is a not-profit and it will be locked out. As will samba for sharing information across a network which has multiple types of machines run on the same network.

My next concern is Microsofts "giving" X number of dollars to schools, etc. in hardware and software. That is easily inflated by the "retail" prices of the software they are giving away, all Microsoft, no doubt. If this is to happen the dollar figure should be based on Microsofts cost to reproduce the software that is already developed. i.e less than a one dollar to press the disks.

This is actually just one more method to maintain their monopoly under the guise of good will. I think that the donation needs to include an equal number of SGI machines, Sun machines, Apples, HP Unix and Linux boxes to give the education systems all the tools that students may need in their lives.

Having Microsoft use their skills to make the top 50 selling of their products run on all the above mentioned machines and operating systems. This would break the monopoly of the operating system.

They are a monopoly and they consistently have locked out or seen good product and then jump on it in a manner that has destroyed other business of which Netscape was one. My fear is they will continue to lock out others and maintain their monopoly.

A final point no longer allow them to use end user license agreements. Declare their products commodities just as an apple or pear is.

Sincerely,

John A. Constantine, PhD.